

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA, ex rel.,
TERESA ROSS,

Plaintiff,

v.

INDEPENDENT HEALTH
ASSOCIATION, et al.,

Defendants.

Civil Action No. 12-CV-0299 (WMS)

NOTICE OF MOTION OF DEFENDANTS
INDEPENDENT HEALTH CORPORATION, INDEPENDENT
HEALTH ASSOCIATION, DXID, LLC, AND BETSY GAFFNEY
TO DISMISS UNITED STATES' COMPLAINT IN INTERVENTION

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law, the undersigned will move this Court, at date and time for oral argument to be determined by the Court, for an order pursuant to Federal Rules of Civil Procedure 9(b) and 12(b)(6) to dismiss the United States' Complaint In Intervention dated September 13, 2021 in its entirety, together with such other and further relief as this Court deems just and proper.

Pursuant to Local Rule 7(b), Defendants Independent Health Corporation, Independent Health Association, DxID, LLC, and Betsy Gaffney reserve the right to serve a reply to the United States' opposition.

Dated: November 16, 2021

Respectfully submitted,

/s/ Daniel Meron

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